

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CLEOPHUS A. DAVIS, JR.,**

**Defendant.**

**8:94CR42**

**MEMORANDUM AND ORDER**

The Defendant has filed a pro se motion for compassionate release (ECF No. 265) pursuant to 18 U.S.C. § 3582(c)(1)(A), which permits a defendant (after exhausting administrative remedies) to move for reduction of a term of imprisonment based upon "extraordinary and compelling reasons." On its initial review of the defendant's motion, the Court finds that the Defendant has at least colorable claim under § 3582(c)(1)(A), and that appointment of counsel would help the Court determine whether the Defendant merits relief under that section. Accordingly,

**IT IS ORDERED:**

1. The Federal Public Defender for the District of Nebraska is appointed to represent the Defendant for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce the defendant's term of imprisonment;
2. In the event the Federal Public Defender should decline this appointment because of any conflict under the Amended Criminal Justice Act Plan, the Federal Public Defender will provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of

the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district;

3. If, upon his review, the Federal Public Defender should conclude that the Defendant's motion is frivolous, the Federal Public Defender may move to withdraw as counsel;
4. The government has submitted a response to the Defendant's motion, see ECF No. 267. The Federal Public Defender will promptly file any supplementary briefing or evidence necessary to the Court's disposition of the motion. Absent an extension, the Defendant's motion will be deemed submitted as of June 30, 2020;
5. The Office of U.S. Probation and Pretrial Services is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the Defendant's motion. The Federal Public Defender will provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates; and
6. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 1<sup>st</sup> day of June 2020.

BY THE COURT:

S/Laurie Smith Camp  
Senior United States District Judge